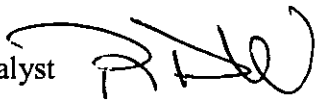


**Introduction**

**MEMORANDUM**

July 16, 2004

TO: County Council

FROM: Ralph D. Wilson, Senior Legislative Analyst 

SUBJECT: Introduction—Amendments to the Moderately Priced Dwelling Unit Program

The following zoning and subdivision regulation amendments sponsored by Councilmembers Floreen, Silverman, Subin, Knapp, and Leventhal will be introduced on Tuesday to strengthen the Moderately Priced Dwelling Unit (MPDU) program:

1. ZTA 04-11 would eliminate the building coverage requirement and allow a reduction in the green area requirement in all multiple-family residential zones for any development containing MPDUs on-site. (Circle 1-5)
2. ZTA 04-12 would allow a reduction in the public use space requirement under the CBD zone standard method of development and the public use space requirement to be reduced or located off-site under the optional method of development for any project that includes MPDUs on site. The ZTA would also allow a residential density bonus over the base density and residential FAR to be increased for a project in a CBD or transit station zone that includes MPDUs on-site. (Circle 6-12)
3. ZTA 04-13 would allow any residential density or building height limit established in a master plan, sector plan or urban renewal plan to be exceeded up to the maximum of the applicable zone for a project in a CBD, RMX, or Development Plan zone that includes MPDUs on-site. (Circle 13-17)
4. ZTA 04-14 would allow up to 100 percent of the total number of dwelling units in a one-family residential zone to consist of one-family attached units, one-family semi-detached units, or townhouses to achieve MPDUs on-site. The Planning Board now has the authority under the MPDU optional development procedures to allow up to 100 percent of the total number of dwelling units to consist of one-family attached units, one-family

semi-detached units, or townhouses if the development would be more desirable from an environmental prospective. (Circle 18-22)

5. SRA 04-1 would allow a reduction in the right-of-way width of a tertiary road and an exception to any residential density or building height limit established in a master plan or sector plan for a preliminary plan of subdivision that includes MPDUs on-site. (Circle 23-28)

The public hearing on the MPDU amendments is scheduled for September 23, 2004 at 7:30 p.m.

f:\wilson\ztas\zta04-11\intro memo mpdu amnedments.doc

Zoning Text Amendment No: 04-11  
Concerning: MPDUs – Building Coverage  
and Green Area Standards – Multi-Family  
Zones  
Draft No. & Date: 1 – 7/16/04  
Introduced: July 20, 2004  
Public Hearing: 9/23/04; 7:30 p.m.  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

---

By: Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal

---

**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- eliminating the building coverage requirement and reducing the green area requirement in all multiple-family residential zones for any development containing MPDUs on-site.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-2	"RESIDENTIAL ZONES, MULTIPLE-FAMILY"
Section 59-C-2.4	"Development standards"
Section 59-C-2.42	"Special regulations for development including moderately priced dwelling units"

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*  
*Underlining indicates text that is added to existing laws by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. Division 59-C-2 is amended as follows:**

**DIVISION 59-C-2. RESIDENTIAL ZONES, MULTIPLE-FAMILY.**

\* \* \*

**Sec. 59-C-2.4. Development standards.**

\* \* \*

	R-30	R-20	R-10	R-H
* * *				
<b>59-C-2.42. Special regulations for development including moderately priced dwelling units.</b>				
[Where moderately priced dwelling units are included in a development, in accordance with chapter 25A of the Montgomery County Code,] [t] The following optional standards may be used to the extent necessary to achieve <u>MPDUs under Chapter 25A on site.</u> [permitted to apply in lieu of the corresponding requirements of section 59-C-2.41]. If the optional standards are used, the site plan approval procedures [set forth in] <u>of [d] Division 59-D-3</u> must be followed.				
* * *				
<b>59-C-2.422. Coverage Limitations (Percentage of Area of Lot).</b>				
[-Buildings must not occupy more than:	22	24	20	20]
-Green area may be reduced, [if necessary to accommodate increased density resulting from the moderately priced dwelling units,] to not less than:	[53] <u>20</u>	[47] <u>20</u>	[45] <u>20</u>	[50] <u>20</u>
* * *				

1       **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
2       date of Council adoption.

3  
4       This is a correct copy of Council action.

5  
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8       \_\_\_\_\_  
9       Mary A. Edgar, CMC

10      Clerk of the Council

Resolution No:  
Introduced: July 20, 2004  
Adopted:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND

---

By: District Council

---

Subject: Notice of Public Hearing on Zoning Text Amendment 04-11

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 04-11, which would amend the Zoning Ordinance to eliminate the building coverage requirement and reducing the green area requirement in all multiple-family residential zones for any development containing an MPDU density bonus, was introduced on July 20, 2004.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on September 23, 2004 at 7:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk of the Council

5

Zoning Text Amendment No: 04-12  
Concerning: MPDUs Public Space  
Requirement-CBD, Transit  
Station Zones  
Draft No. & Date: 1 – 7/16/04  
Introduced: July 20, 2004  
Public Hearing: 9/23/04; 7:30 p.m.  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

---

By: Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal

---

**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- allowing a reduction in the public use space requirement for a standard method project in a CBD zone that includes MPDUs on-site;
- allowing the public use space requirement for a CBD zone optional method project that includes MPDUs on-site to be reduced or located off-site in the same CBD;
- Allowing a residential density bonus over the base density where MPDUs are provided in accordance with Chapter 25A; and
- clarifying that the number of residential units and residential FAR may be increased for a project in a CBD or Transit Station zone that includes MPDUs on-site.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-6	“CENTRAL BUSINESS DISTRICT ZONES”
Section 59-C-6.215	“Methods of development and approval procedures”
Section 59-C-6.23	“Development standards”
DIVISION 59-C-8	“TRANSIT STATION DEVELOPMENT AREA ZONES”
Section 59-C-8.4	“Development standards”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*  
*Underlining indicates text that is added to existing laws by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*



*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

#### *ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. Division 59-C-6 is amended as follows:**

**DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.**

\* \* \*

**59-C-6.215. Methods of development and approval procedures.** Two methods of development are possible in each of these zones. Under both methods of development the maximum dwelling unit density or residential FAR [allowed by Section 59-C-6.23] may be increased up to the maximum density or FAR allowed in the zone for any development that contains an MPDU density bonus under [to accommodate the construction of Moderately Priced Dwelling Units in accordance with] Chapter 25A.

(a) **Standard method of development.** The standard method requires compliance with a specific set of development standards and permits a range of uses and a density compatible with these standards. If residential uses are included in a development, [the number of] moderately priced dwelling units must be [at least 12.5 percent of the total number of dwelling units] provided in accordance with Chapter 25A. If an MPDU density bonus is allowed under Chapter 25A, the number of dwelling units or residential FAR may be increased as necessary to achieve any applicable density bonus on-site.

(b) **Optional method.** Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted. If residential uses are included in a development, [the number of] moderately priced dwelling units must be [at least 12.5 percent of the total number of dwelling units] provided in

accordance with Chapter 25A. If an MPDU density bonus is allowed under Chapter 25A, the number of dwelling units or residential FAR may be increased as necessary to achieve any applicable density bonus on site.

The procedure for [the] approval of [the use of the] an optional method project is [set forth] specified in Division 59-D-2, and the procedure for approval of a site plan[s must be submitted and approved in accordance with] is specified in Division 59-D-3.

\* \* \*

### 59-C-6.23. Development standards.

The development standards applicable to the standard and optional methods of development, indicated by the letters "S" and "O" in each [of the zones] zone, are [set forth] specified in this section.<sup>8</sup>

	CBD-0.5		CBD-R1 <sup>2</sup>		CBD-1		CBD-2		CBD-3		CBD-R2	
	S <sup>9</sup>	O	S	O	S <sup>9</sup>	O	S	O	S <sup>9</sup>	O	S	O
* * *												
<b>59-C-6.233.</b> <b>Minimum Public Use Space (percent of net lot area):<sup>15</sup></b>	10	20	10	20 <sup>16</sup>	10	20 <sup>20</sup>	10	20	10	20	10	20
-[If special regulations concerning moderately priced dwelling units set forth in section 59-C-6.215(a) are used this may be reduced to:] <u>The required standard method public use space may be reduced for any project as necessary to achieve any applicable MPDUs under Chapter 25A on-site to:</u>  <u>The required optional method public use space may be located off-site in the same CBD or reduced for</u>	<u>5</u>		<u>5</u>		5		5		5		<u>5</u>	

<u>any project as necessary to achieve any applicable MPDUs under Chapter 25A on site.</u>												
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**Sec. 2. Division 59-C-8 is amended as follows:**

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**DIVISION 59-C-8. TRANSIT STATION DEVELOPMENT AREA ZONES.**

44

**\* \* \***

45

**59-C-8.4. Development standards.**

46

	TS-R	TS-M
<b>59-C-8.42. Density of development.</b>		
The density of development [shall] <u>must</u> not exceed any of the following:		
(a) Floor area ratio	2.5	3.0
(b) Dwelling units per acre, however, in the TS-R zone, FAR and density must be calculated on the basis of the area of the zoned land within the approved development plan and not individual lots.	150	
(c) The density of development must not exceed the FAR or the dwelling units per acre allowed by the zone, except that the maximum density permitted may be increased to accommodate the construction of moderately priced dwelling units in accordance with chapter 25A. <u>The number of dwelling units or residential FAR may be increased as necessary to achieve any applicable MPDUs under Chapter 25A on-site.</u>		
<b>* * *</b>		

47       **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the  
48   date of Council adoption.

49

50   This is a correct copy of Council action.

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55   \_\_\_\_\_  
Mary A. Edgar, CMC

56   Clerk of the Council

Resolution No:  
Introduced: July 20, 2004  
Adopted:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND

---

By: District Council

---

Subject: Notice of Public Hearing on Zoning Text Amendment 04-12

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 04-12, which would amend the Zoning Ordinance to provide density bonus provisions and a reduction in the public use space requirement for projects in the CBD, TS-R and TS-M zones that include moderately priced dwelling units, was introduced on July 20, 2004.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on September 23, 2004 at 7:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

---

Mary A. Edgar, CMC  
Clerk of the Council

12

Zoning Text Amendment No: 04-13  
Concerning: MPDUs-Sector Plan  
conformity requirement exceptions-CBD &  
RMX Optional Method of Development  
Projects  
Draft No. & Date: 1 – 7/16/04  
Introduced: July 20, 2004  
Public Hearing: 9/23/04; 7:30 p.m.  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

---

By: Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal

---

**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- allowing an exception to the master plan, sector plan, and urban renewal plan conformity requirements regarding density or building height for any project in a CBD, RMX, or Development Plan zone that includes MPDUs on-site.
- 

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-D-1	"DEVELOPMENT PLAN"
Section 59-D-1.6	"Approval by district council"
DIVISION 59-D-2	"PROJECT PLAN FOR OPTIONAL METHOD OF DEVELOPMENT, CBD ZONES AND RMX ZONES"
Section 59-D-2.4	"Action by planning board"
Section 59-D-2.42	"Findings required for approval."

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*

*Underlining indicates text that is added to existing laws  
by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from  
existing law by the original text amendment.*

*Double underlining indicates text that is added to the text  
amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted  
from the text amendment by amendment.*

*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*



1           **Sec. 1. Division 59-D-2 is amended as follows:**

2       **DIVISION 59-D-1. DEVELOPMENT PLAN.**

3       \* \* \*

4       **59-D-1.6. Approval by district council.**

5           **59-D-1.61. Findings.**

6           Before approving an application for classification in any of these zones, the  
7           district council must consider whether the application, including the  
8           development plan, fulfills the purposes and requirements set forth in article  
9           59-C for the zone. In so doing, the district council must make the following  
10          specific findings, in addition to any other findings which may be necessary  
11          and appropriate to the evaluation of the proposed reclassification:

- 12          (a)   That the zone applied for is in substantial compliance with the use and  
13               density indicated by the master plan or sector plan, and that it does not  
14               conflict with the general plan, the county capital improvements  
15               program or other applicable county plans and policies. However, any  
16               development plan containing MPDUs under Chapter 25A may exceed  
17               up to the maximum of the zone any density or building height limit in  
18               a master plan or sector plan to the extent necessary to achieve MPDUs  
19               on-site.

20       \* \* \*

21           **Sec. 2. Division 59-D-2 is amended as follows:**

22       **DIVISION 59-D-2. PROJECT PLAN FOR OPTIONAL METHOD OF**  
23                               **DEVELOPMENT, CBD ZONES AND RMX ZONES.**

24       \* \* \*

25       **59-D-2.4. Action by planning board.**

26       \* \* \*

27           **59-D-2.42. Findings required for approval.**

1 The fact that an application complies with all of the specific requirements  
2 and intent of the applicable zone does not create a presumption that the  
3 application must be approved. The Planning Board can approve, or approve  
4 subject to modifications, an application only if it finds that the proposed  
5 development meets all of the following requirements:

6 \* \* \*

7 (b) It would conform to the [approved and adopted] applicable sector plan  
8 or [an] urban renewal plan [approved under Chapter 56]. However,  
9 any development containing MPDUs under Chapter 25A may exceed,  
10 up to the maximum of the zone any density or building height limit in  
11 a master plan or sector plan to the extent necessary to achieve MPDUs  
12 on-site.

13  
14 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
15 date of Council adoption.

16  
17 This is a correct copy of Council action.

18  
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21 \_\_\_\_\_  
22 Mary A. Edgar, CMC  
23 Clerk of the Council

Resolution No:  
Introduced: July 20, 2004  
Adopted:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND

---

By: District Council

---

Subject: Notice of Public Hearing on Zoning Text Amendment 04-13

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 04-13, which would amend the Zoning Ordinance to allow an exception to the master plan, sector plan, and urban renewal plan conformity requirements regarding density or building height for any project in a CBD, RMX, or Development Plan zone that includes MPDUs on site, was introduced on July 20, 2004.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on September 23, 2004, at 7:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk of the Council

Zoning Text Amendment No: 04-14  
Concerning: MPDU Dwelling unit types  
Draft No. & Date: 1 – 7/16/04  
Introduced: July 20, 2004  
Public Hearing: 9/23/04; 7:30 p.m.  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

---

By: Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal

---

**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- allowing under certain circumstances up to 100 percent of the total number of dwelling units in a one-family residential zone to be a certain dwelling unit type to achieve MPDUs on-site.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-1	“RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.6	“Development including moderately priced dwelling units”
Section 59-C-1.61.	“Purpose and description”
Section 59-C-1.62.	“Development Standards”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*  
*Underlining indicates text that is added to existing laws by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

Sec. 1. Division 59-C-1 is amended as follows:

**DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

\* \* \*

**59-C-1.61. Purpose and description.**

\* \* \*

**59-C-1.62. Development standards.**

	R-200	R-150	R-90	R-60	R-40
<b>59-C-1.621. Uses Permitted.</b> No uses are permitted except as indicated by the letter "P" in the following schedule. Special exceptions may be authorized as indicated in section 59-C-1.31, title "Land Uses," subject to the provisions of article 58-G.					
Dwelling unit, one-family attached. <sup>1</sup>	P	P	P	P	P
* * *					
Dwelling unit, one-family semidetached. <sup>1</sup>	P	P	P	P	P
Townhouse. <sup>1</sup>	P	P	P	P	P
* * *					

<sup>1</sup> The maximum percentage of one-family attached dwelling units, [or] semidetached dwelling units, or townhouses [, or a combination thereof,] allowed in a subdivision is:

R-200 and R-150 Zones: 50%;

R-90 Zone: 50%;

R-60 Zone: 60%.

The balance must be one-family detached units. However, [T] the [p] Planning [b] Board may[, however,] approve a development in which up to 100 percent of the total number of units [consists of] are one-family attached dwelling units, one-family semidetached dwelling units, or townhouses[, or a combination thereof,] upon a finding that (1) proposed development is [(1)] more desirable from an environmental perspective than development

21 that would result from adherence to these percentage limits, or (2) limits on  
22 development at that site would not allow the applicant to achieve MPDUs  
23 under Chapter 25A on-site. [and] Any development that exceeds the  
24 maximum percentage of allowable dwelling unit types must be compatible  
25 with adjacent existing and approved development.

26  
27 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
28 date of Council adoption.

29  
30 This is a correct copy of Council action.

31  
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34 \_\_\_\_\_  
35 Mary A. Edgar, CMC  
36 Clerk of the Council

Resolution No:  
Introduced: July 20, 2004  
Adopted:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND

---

By: District Council

---

Subject: Notice of Public Hearing on Zoning Text Amendment 04-14

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment 04-14, which would amend the Zoning Ordinance to allow under certain circumstances up to 100 percent of the total number of dwelling units in a one-family residential zone to be a certain dwelling unit type to achieve MPDUs on site, was introduced on July 20, 2004.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on September 23, 2004 at 7:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk of the Council

22



Subdivision Regulation Amendment: 04-01  
Concerning: MPDU – Exceptions-Master  
Plan Conformity Requirement and Tertiary  
Road Right-of-way  
Draft No. & Date: 1 – 7/16/04  
Introduced: July 20, 2004  
Public Hearing: 9/23/04 – 7:30 p.m.  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

---

By: Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal

---

**AN AMENDMENT** to the Montgomery County Code for the purpose of:

- allowing a reduction in the right-of-way width of a tertiary road to achieve MPDUs on-site; and
- allowing an exception to the master plan conformity requirement for a preliminary subdivision plan that includes MPDUs on-site.

By amending the following section of the Montgomery County Subdivision Regulations, Chapter 50 of the Montgomery County Code:

Article III	“Subdivision Regulations Generally”
Section 50-26	“Roads and streets—Design standards”
Section 50-35	“Preliminary subdivision plans—Approval procedure”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*  
*Underlining indicates text that is added to existing laws by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. Chapter 50 is amended as follows:**

**Chapter 50. SUBDIVISION OF LAND.**

\*\*\*

**ARTICLE III. SUBDIVISION REGULATIONS GENERALLY.**

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**Sec. 50-26. Roads and streets—Design standards.**

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(h) *Tertiary streets.* Section 49-34(f) of the County Code gives the Planning Board the authority to determine when a tertiary street may be used and to establish the right-of-way width. The following standards will be applied to any proposed tertiary streets:

(1) A tertiary street may be used only if approved by the Planning Board at the time of preliminary plan approval or site plan approval.

(2) The standard right-of-way width of a tertiary street is fifty (50) feet. However, an applicant may voluntarily submit to site plan review and at that stage the Planning Board may approve a lesser width if it can be demonstrated that: (1) this lesser width is environmentally better, or (2) the limits on development at that site would not allow the applicant to achieve MPDUs under Chapter 25A on-site, and this lesser width either (3) improves compatibility with adjoining properties, or (4) allows better use of the parcel under consideration. In no case shall the right-of-way be less than twenty-seven (27) feet four (4) inches for two-way traffic and twenty-one (21) feet four (4) inches for one-way traffic.

\* \* \*

**Sec. 50-35. Preliminary subdivision plan [s]—Approval procedure.**

\* \* \*

(1) *Relation to Master Plan.* In determining the acceptability of [the] a preliminary plan submitted under [the provisions of] this Chapter, the Planning Board must consider the applicable master plan, sector plan or [an] urban renewal plan [approved in accordance with the provisions of Chapter 56]. A preliminary plan must substantially conform to the applicable master plan, sector plan or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan or urban renewal plan recommendation no longer appropriate. However, a preliminary plan may allow a development to exceed, up to the maximum density or height allowed in the applicable zone, any density or building height limit included in a master plan, sector plan, or urban renewal plan to the extent necessary to achieve MPDUs under Chapter 25A on-site.

\* \* \*

**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption or, if the County Executive disapproves this ordinance, 10 days after the date of Council adoption following disapproval by the Executive.

This is a correct copy of Council action.

\_\_\_\_\_  
Mary A. Edgar, CMC  
Clerk of the Council

Approved

\_\_\_\_\_  
Douglas M. Duncan, County Executive

\_\_\_\_\_  
Date

Resolution No:  
Introduced: July 20, 2004  
Adopted:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND

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By: District Council

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Subject: Notice of Public Hearing on Subdivision Regulation Amendment 04-01

Background

1. Section 50-6A of the Montgomery County Code requires that, within thirty days of introduction of any subdivision regulation amendment, the Council act by resolution to set a date and time for public hearing on the proposed subdivision regulation amendment.
2. Subdivision Regulation Amendment 04-01, which would amend the County Code to allow a reduction in the right-of-way width of a tertiary road to MPDUs on site; and allow an exception to the master plan conformity requirement for a preliminary subdivision plan that includes MPDUs on site, was introduced on July 20, 2004.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on September 23, 2004, at 7:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk of the Council

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